

Subject: Re: Addition of Fr. Richard Spellman to List of Credibly Accused
Date: Monday, July 31, 2023 at 9:28:02 AM Mountain Daylight Time
From: Levi Monagle
To: Thomas Walker
CC: Sarah Downey, Megan Devine
Attachments: image001.png, image002.png

It's not a "threat," Tom. It's something lawyers say to each other pretty regularly: "please address this problem or we will have to go to court."

You offer to discuss, but what is there to discuss? You and I read Section C.15 in completely different and apparently irreconcilable ways. When you say that "suing to enforce is not appropriate here," do you have some compromise position in mind? Otherwise, what choice is there but to sue to enforce?

I will share a copy of the enforcement pleading with you before filing.



Levi A. Monagle

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From: Thomas Walker <twalker@walkerlawpc.com>
Date: Friday, July 28, 2023 at 5:06 PM
To: Levi Monagle <levi@hmhw.law>
Cc: Sarah Downey <sarah@jacksonlomanlaw.com>, Megan Devine <MDevine@walkerlawpc.com>
Subject: RE: Addition of Fr. Richard Spellman to List of Credibly Accused

Levi,

There is no need to make threats.

This is not controversial. The Archdiocese only has one list. "The list" as defined in Non-Monetary Covenants paragraph 15 is "the list of names of all known past and present alleged clergy perpetrators of ASF, who have been determined by the Archbishop in consultation with the Independent Review Board to be credibly accused of sexual abuse." ASF agreed to update and publish the list, as it has for a long time. New names come up for consideration for the list, including those names first identified in proofs of claims. But, names do not go on the list unless they have been determined to be credibly accused by the Archbishop in consultation with the IRB. That is what the list is. This was never questioned throughout the negotiations of

the Non-Monetary Covenants.

As for your lawsuit, which I hope you will reconsider, jurisdiction is in the Bankruptcy Court, not state court, to enforce the bankruptcy plan, including the Non-Monetary Covenants, as expressly set forth in the Non-Monetary Covenants. See Section 27 of the of the Non-Monetary Covenants. See also Section 21 of the Plan. (And other Plan provisions and the Order confirming the Plan, for that matter.) Also, Section 27 of the Non-Monetary Covenants provides that the Committee has standing to bring an action to enforce.

I am available to discuss this. I think suing to enforce is not appropriate here.

Tom

Thomas D. Walker

twalker@walkerlawpc.com

Walker & Associates, P.C.

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From: Levi Monagle <levi@hmnw.law>

Sent: Monday, July 24, 2023 7:47 PM

To: Thomas Walker <twalker@walkerlawpc.com>

Cc: Sarah Downey <sarah@jacksonlomanlaw.com>

Subject: Re: Addition of Fr. Richard Spellman to List of Credibly Accused

Tom,

I've read the provisions. Section C.15 clearly preserves ASF's "credibility" discretion as to priests not named in a POC. It just as clearly forfeits ASF's "credibility" discretion as to priests who ARE named in a POC. There are two categories of priests under C.15, and they explicitly receive separate treatment. That was the compromise that was made, and it was a logical compromise to make under the circumstances.

If ASF refuses to reconsider its position, we will go to court over this - first for a dec action in state court, then everywhere else if a second judicial judge declines jurisdiction. Whichever court(s) we end up in, we will be as vocal as possible about this issue along the way.

Please pass this message along to the Archbishop, if you think it prudent. Please also let me know by the end of the week whether I should start drafting my pleadings or allow the Archdiocese some additional time to consider its position.

Thanks for your response.

Levi

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From: Thomas Walker <twalker@walkerlawpc.com>
Sent: Monday, July 24, 2023 6:44 PM
To: Levi Monagle <levi@hnhw.law>
Cc: Sarah Downey <sarah@jacksonlomanlaw.com>
Subject: RE: Addition of Fr. Richard Spellman to List of Credibly Accused

Levi,

I hope you are well.

You are missing the most important part of that section of the Non-Monetary Covenants. Or, we certainly disagree with your interpretation. Credibly accused is determined by the Archbishop in consultation with the Independent Review Board. It is not determined by the survivor who made the accusation. The accusation in a proof of claim gives rise to the requirement that the accused be considered for the credibly accused list but it does not mandate inclusion on the list. That is clear and consistent in the Non-Monetary Covenants.

Paragraphs B.11, C.15 and D.20 are the sections that deal with the list of credibly accused clergy. See excerpted paragraphs below. Paragraph C.15 is the paragraph that describes the obligation to post names of credibly accused clergy. Clearly the names of alleged clergy to be posted are those “who have been determined by the Archbishop in consultation with the Independent Review Board to be credibly accused of sexual abuse.” Paragraph B.11 conditions the timing of updating the list to be after the “relevant determination.” Paragraph D.20 addresses removal of recognitions of those who have been determined by the Archbishop in consultation with the IRB.

The list is ASF’s list and clearly ASF is committed to maintaining and updating the list. But it will be done in accordance with the Archdiocese’s procedure which is done by the Archbishop in consultation with the IRB. If the Archbishop in consultation with the IRB do not make that determination, then ASF’s list will not include the name.

Tom

From the Non-Monetary Covenants:

B.11. Disclosure Requirement. ASF will continue to maintain and update the list of credibly accused clergy as soon as reasonably practicable but, in any event, **no later than forty-five (45) days after the relevant determination**. ASF will share this information with the public by posting the information on its website.

C.15. Publication of Accused List. **Within ten (10) days of the effective date of a chapter 11 plan, ASF will prominently ("one-click") post on its website the list of names of all known past and present alleged clergy perpetrators of ASF, who have been determined by the Archbishop in consultation with the Independent Review Board to be credibly accused of sexual abuse.** ASF will update the list to include any clergy who are identified in any proof of claim filed in the Chapter 11 Case (unless the identification has been withdrawn in any amendment or supplementation to the Proof of Claim). Survivors will provide ASF with permission to use their confidential proofs of claims to update the list and the deadline to add a name will be extended until such permission is received. ASF shall maintain this list on its website in perpetuity.

D.20. Remove Perpetrator Recognitions. The ASF Parties will undertake to remove all plaques, pictures, statutes, or other public recognitions of all known past and present **alleged perpetrators who have been determined by the Archbishop in consultation with the Independent Review Board to be credibly accused of sexual abuse**, including those who are identified in any proof of claim filed in the Chapter 11 Case.

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From: Levi Monagle <levi@hmnw.law>

Sent: Monday, July 24, 2023 3:58 PM

To: Thomas Walker <twalker@walkerlawpc.com>

Cc: Sarah Downey <sarah@jacksonlomanlaw.com>

Subject: FW: Addition of Fr. Richard Spellman to List of Credibly Accused

Tom,

I'm following up on a question that I previously directed to Sarah (whom I've cc'e here):

Section C.15 of the Non-Monetary Covenants states plainly that ASF “will” add priests ID’ed in proofs of claim to the List of Credibly Accused Priests on its website. That hasn’t happened with Fr. Richard Spellman. Sarah has conveyed to me that the IRB recommended against placing Fr. Spellman on the List (for reasons that I can guess, but find preposterous). The Non-Monetary Covenants do not allow the IRB such discretion with respect to clergy named on proofs of claim.

I haven’t yet taken time to review the spreadsheets to determine whether other named priests have been omitted from the List as well, and I’m hoping you’ll save me the time.

Please advise, when you have a moment.

Thanks,



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From: Levi Monagle <levi@hmhw.law>
Date: Wednesday, July 19, 2023 at 1:48 PM
To: Sarah Downey <sarah@jacksonlomanlaw.com>
Subject: Re: Addition of Fr. Richard Spellman to List of Credibly Accused

Sarah,

Section C.15 of the Stipulated Non-Monetary Covenants provided that “ASF will update the list to include any clergy who are identified in any proof of claim filed in the Chapter 11 Case (unless the identification has been withdrawn in any amendment or supplementation to the Proof of Claim).” Fr. Spellman was identified in at least one proof of claim, and that identification was never withdrawn in any amendment or supplementation to that proof of claim.

A failure to list Fr. Spellman is a violation of the Non-Monetary Covenants. Should I address this matter with you, or with Tom Walker?

Thanks,



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From: Sarah Downey <sarah@jacksonlomanlaw.com>
Date: Wednesday, July 19, 2023 at 1:24 PM
To: Levi Monagle <levi@hmhw.law>
Subject: RE: Addition of Fr. Richard Spellman to List of Credibly Accused

Hi Levi. It is my understanding that the IRB convened in April and recommended that Fr Spellman not be put on the credibly abused list, and the archbishop accepted their recommendation.

Thanks,

Sarah

Sarah K. Downey

Jackson Loman Stanford, Downey & Stevens-Block, PC
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From: Levi Monagle <levi@hmhw.law>
Sent: Tuesday, July 18, 2023 1:13 PM
To: Sarah Downey <sarah@jacksonlomanlaw.com>
Subject: Re: Addition of Fr. Richard Spellman to List of Credibly Accused

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Sarah,

I'm following up on this again. Could you please advise as to Fr. Spellman and whether the list will be updated to include him?

Thanks,



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From: Levi Monagle <levi@hmhw.law>
Date: Tuesday, July 4, 2023 at 11:30 AM
To: Sarah Downey <sarah@jacksonlomanlaw.com>
Subject: Re: Addition of Fr. Richard Spellman to List of Credibly Accused

Hello, Sarah – happy 4th.

I intended to email you on a separate matter (which I will, via separate email), but saw that this was still a loose end and wanted to follow up.

ADSF's list of credibly accused priests was updated on March 28, 2023 – after our last email exchange – and Fr. Spellman is still not on it.

Please advise, when you have a moment.

Thanks,



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From: Sarah Downey <sarah@jacksonlomanlaw.com>

Date: Thursday, March 16, 2023 at 11:39 AM

To: Levi Monagle <levi@hmhw.law>, Sara Sanchez <ssanchez@peiferlaw.com>

Subject: RE: Addition of Fr. Richard Spellman to List of Credibly Accused

I will check and get back to you. Thank you for raising the issue.

Sarah K. Downey

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From: Levi Monagle <levi@hmhw.law>
Sent: Tuesday, March 14, 2023 12:10 PM
To: Sara Sanchez <ssanchez@peiferlaw.com>; Sarah Downey <sarah@jacksonlomanlaw.com>
Subject: Re: Addition of Fr. Richard Spellman to List of Credibly Accused

Hello, Sara & Sarah – hope you're both well.

I'm following up re: Fr. Richard Spellman and his inclusion on ADSF's List of credibly accused priests. My understanding is that the Effective Date of the Plan was February 17, and that Fr. Spellman's name should have been added to the List within ten days of the Effective Date.

Could one of you please advise, when you have a moment?

Thanks,



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From: Sara Sanchez <ssanchez@peiferlaw.com>
Date: Wednesday, December 14, 2022 at 2:09 PM
To: Levi Monagle <levi@hmhw.law>
Cc: Sarah Downey <sarah@jacksonlomanlaw.com>
Subject: RE: Addition of Fr. Richard Spellman to List of Credibly Accused

Hi Levi,

I can confirm that Fr. Spellman will be considered for inclusion on the Credibly Accused list along with the other new perpetrators (there are many) in accordance with the non-monetary covenants the parties agreed to as part of the Ch. 11 settlement (I believe Para. 15 is the pertinent provision). However, given the number

of names to review for inclusion on the List, this process will not be completed by December 22 (which I understand is the deadline for ballots).

I am copying Sarah Downey at the Jackson Loman firm on this email, as she is taking over much of the advising role with the Archdiocese that I have been engaged in these last several years. I am not disappearing but I want to make sure to introduce you two to each other (if you don't already know each other) so that you can communicate directly going forward as things arise.

Levi, if you think we need to talk about any of this, maybe the three of us could set up a call at some point.

Many thanks,
Sara

From: Levi Monagle <levi@hmhw.law>
Sent: Friday, December 9, 2022 10:45 AM
To: Sara Sanchez <ssanchez@peiferlaw.com>
Subject: Addition of Fr. Richard Spellman to List of Credibly Accused

Sara,

I'm not sure if we have discussed this priest previously, but I would like to request that Fr. Richard Spellman be added to the ADSF List of Credibly Accused Priests. Our client Mela Lajeunesse has made serious abuse claims against him, we have no reason to believe her claims lack credibility, and Fr. Spellman's personnel file bears the clear hallmarks of an abuser. It is extremely important to Mela that Fr. Spellman's name be included on the List, and she will not support the Plan without reassurance on this point.

Happy to have a call to discuss, if warranted – but no need, if I can simply confirm to Mela that Fr. Spellman's name will be added.

Thanks,



Levi A. Monagle

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